

FILED '09 JAN 20 15:18 USC-DRP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

FLOYD M. REID,

Plaintiff,

v.

EVERGREEN AVIATION GROUND
LOGISTICS ENTERPRISE INC., a Delaware
corporation; ET AL.,

Defendants.

Civil No. 07-1641-AC

ORDER

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JONES, Judge:

Magistrate Judge John V. Acosta filed Findings and Recommendation (#37) on November 21, 2008, in the above entitled case. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

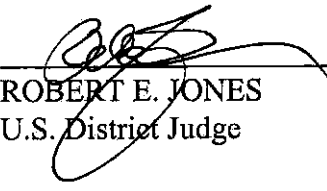
Plaintiff has timely filed objections. I have, therefore, given de novo review of Magistrate Judge Acosta's rulings.

I find no error. Accordingly, I ADOPT Magistrate Judge Acosta's Findings and Recommendation (#37) dated November 21, 2008, in its entirety. Defendants' motion (#20) for summary judgment is granted as to plaintiff's claim of race discrimination and common law discharge. Defendants' motion for summary judgment as to plaintiff's claims of wrongful termination under OR. REV. STAT. § 654.062 misrepresentation is denied. Defendant's motion for summary judgment on plaintiff's claims of aiding and abetting and wrongful termination

under OR. REV. STAT. § 654.062 as to Smith individually is granted. Defendant's motion to exclude reinstatement and compensatory damages for lost wages is granted.

IT IS SO ORDERED.

DATED this 20 day of January, 2009.



ROBERT E. JONES
U.S. District Judge